



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

June 5, 1991

Ms. Jo Wiginton
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR91-239

Dear Ms. Wiginton:

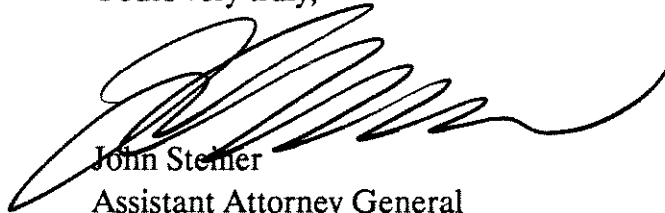
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 12483.

You received a request for information under the Open Records Act on April 29, 1991. You requested a decision from this office on May 10, 1991. Consequently, you failed to request a decision within the 10 days required by section 7(a) of the act.

Section 7(a) of the act requires a governmental body to release requested information or to request a decision from the attorney general within 10 days of receiving a request for information the governmental body wishes to withhold. When a governmental body fails to request a decision within 10 days of receiving a request for information, the information at issue is presumed public. *City of Houston v. Houston Chronicle Publishing Co.*, 673 S.W.2d 316, 323 (Tex. App.--Houston [1st Dist.] 1984, no writ); Open Records Decision No. 319 (1982). The governmental body must show a compelling interest to withhold the information to overcome this presumption. *Hancock v. State Bd. of Ins.*, 797 S.W.2d 379 (Tex. App.--Austin 1990, no writ) (and authorities cited therein); *see also City of Houston v. Houston Chronicle Publishing Co.*, 673 S.W.2d at 324. You have not shown compelling reasons why the information at issue should be withheld. Unless you provide this office with compelling reasons for withholding the information within 14 days of the date of this letter, the information will be presumed to be public information.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-239.

Yours very truly,



John Steiner
Assistant Attorney General
Opinion Committee

JS/RWP/lb

Ref: ID# 12483
ID# 12488

cc: Dr. George T. Burt
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Huntsville, Texas 77340